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INVESTIGATORY HEARING
CONCERNING PROBLEMS OF RACIAL TENSION
IN
EASTERN DELAWARE COUNTY
HELD ON OCTOBER 6-7, 1980

REPORT AND RECOMMENDATIONS OF THE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

ISSUED APRIL 9, 1981

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA HUMAN RELATIONS COMMISSION

Dick Thornburgh, Governor

Joseph X. Yaffe, Chairperson

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I. THE CONVENING OF AN INVESTIGATORY HEARING CONCERNING
PROBLEMS OF RACIAL TENSION IN EASTERN DELAWARE COUNTY

On October 6-7, 1980 the Pennsylvania Human Relations Commission ("PHRC" or "Commission") convened an investigatory hearing concerning problems of racial tension in Eastern Delaware County. The first session was held on Monday evening, October 6, 1980 at the Yeadon High School, Cypress Avenue and Bailey Road, Yeadon, Pennsylvania. The second session was held on Tuesday morning and afternoon, October 7, 1980 at the School Administration Building, Lansdowne Avenue and State Road, Upper Darby, Pennsylvania.

Joseph X. Yaffe, Chairperson of the Commission presided over the hearing. On the Hearing Panel were Doris M. Leader, Vice-Chairperson of the Commission, and Commissioners Benjamin S. Loewenstein, Robert Johnson Smith, Elizabeth M. Scott and John P. Wisniewski.

Upon convening the hearing, Chairperson Yaffe announced that: "Under the Pennsylvania Human Relations Act this Commission is authorized to investigate racial discrimination or racial tension wherever it arises and to immediately hold an investigatory hearing in the county where the problem exists. The hearing may be public or private and in this instance we have deemed it to be public so that not only may the parties who are directly involved be heard, but the entire community as well. (T)he press and media are also invited to attend.... The purpose of the hearing is to resolve the problem as promptly as possible by the gathering of facts from all the interested persons and to make such recommendations as may be necessary."

Witnesses were examined by Benjamin G. Lipman, the Commission's Assistant General Counsel. Members of the Hearing Panel, Commission Executive Director, Homer C. Floyd, and Commission General Counsel, Robert S. Mirin, supplemented the inquiry by raising appropriate questions.

Testimony, under oath, was presented by twenty-two witnesses, including public officials, community leaders, clergy members, real estate industry spokespersons, and individual victims of racial harassment.

A. Historical Background

Settlement of Delaware County began in the late 17th Century. By the end of World War II much of Eastern Delaware County, bordering on Southwest Philadelphia, was urbanized, this process having been advanced significantly by creation of the 69th Street Terminal in Upper Darby, providing high speed mass transportation to Center City Philadelphia. Urban and suburban type development continued to radiate out from Philadelphia into previously rural areas, primarily along major transportation arteries such as Chester Pike, West Chester Pike, Baltimore Pike and U.S. Route 1. Major industries also grew in the area including oil refining, ship building, paper manufacturing, and aircraft development.

The racial composition of the County, which in 1970 included about 7% Blacks, has not changed significantly in the last decade. Nevertheless, the overwhelming majority of Delaware County Blacks, who traditionally lived in racially impacted pockets, have recently begun to move into areas which until the last decade were exclusively or predominantly White.

Furthermore, increasing numbers of Blacks from West Philadelphia have begun to follow their White West Philadelphia predecessors into suburbanized Eastern Delaware County.

While some Blacks moving into or attempting to reside in Eastern Delaware County have met with no resistance of any sort, an unseemly pattern of racially motivated terrorism and harassment has been evident. As early as 1963, the scornful eyes of the entire nation watched in horror as an angry mob laid siege to the home of a Black family attempting to move into Folcroft. The crowd was smaller and its mood not quite so virulent, but the scene was similar in June, 1980 when an angry group of Whites prevented a Black woman and her two small children from moving into the home they had just rented on a modest, otherwise peaceful street in Upper Darby. Other equally horrifying episodes have taken place even since the hearing.

Statistical data available to the PHRC suggests a far greater incidence of resistance to racial integration in Eastern Delaware County than any place else in the Commonwealth of Pennsylvania. These statistics, coupled with community pressure arising from the particularly vicious June, 1980 incident in Upper Darby, caused the staff of the PHRC's Philadelphia Regional Office to recommend to the full Commission that an investigatory hearing be convened.

B. Statutory Authority

The Pennsylvania Human Relations Act ("PHRA" or "Act"),
Act of October 27, 1955, P.L. 744 as amended, 43 P.S. §951
et seq., says in relevant part:

Section 2 -

(a) The practice or policy of discrimination against individuals or groups because of their race ... is a matter of concern to the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. The denial of equal ... housing ... opportunities because of such discrimination ... intensifies group conflicts, thereb resulting in grave injury to the public health and welfare, compels many individuals to live in dwellings which are substandard, unhealthful and overcrowded, resulting in racial segregation ... thereby threatening the peace, health, safety and general welfar of the Commonwealth and its inhabitants.

Section 6 -

There shall be, and there is hereby established in the Governor's Office a non-partisan, administrative Commission for the administration of this act, which shall be known as the "Pennsylvania Human Relation Commission," and which is hereinafter referred to as the "Commission"...

Section 7 -

The Commission shall have the following powers and duties...

(f.1) To investigate where no complaint has been filed, but with the consent of at least eight of the members of the Commission any problem of racial discrimination with the intent of avoiding and preventing the development of racial tension.

Section 8.1 -

Whenever any problem of racial discriminatio or racial tension arises, the Commission may immediately hold an investigatory hearing. The place of any such hearing shall be in

the county where the problem exists. The hearing may be public or private and the Commission shall have the same powers as provided in clause (g) for hearings on complaint filed.

The purpose of the hearing shall be to resolve the problem promptly by the gathering of all the facts from all the interested parties and making such recommendations as may be necessary.

The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

Should the recommendation of the Commission not be accepted within a reasonable time the Commission may, with the consent of eight members, on its own behalf initiate a complaint and the hearing findings and Commission order shall proceed the same as where a complaint has been filed.

In consideration of the above quoted provisions of the Act and the recommendation of the Philadelphia Regional Office staff, the Commissioners, at their June 30, 1980 meeting, voted 10-0 to convene an investigatory hearing.

From the transcripts of that hearing, findings of fact and recommendations were prepared. The report and recommendations were adopted, with revisions and editorial corrections, at the February 23, 1981 meeting of the Commission.

C. Geographical Focus of the Hearing

Because Eastern Delaware County is composed of so many geo-political entities, and because PHRC staff resources are limited, a threshold decision was made to concentrate the gathering and presentation of evidence in Yeadon and Upper Darby. These communities were selected for a variety of reasons.

First, Upper Darby is without question the largest and most urbanized of the Eastern Delaware County communities which have been experiencing racial tension in recent years. Yeadon, on the other hand, is more representative of the suburban character that predominates in most of Eastern Delaware County. Second, statistics and other information gathered by PHRC staff suggest that racial tensions, while common throughout Eastern Delaware County, have been more regularly and overtly manifest in Yeadon and Upper Darby than elsewhere. Third, and perhaps most important, the differences in the way the communities of Yeadon and Upper Darby approached their respective racial problems seemed significant to PHRC staff. Evidence developed at the hearing tends to support that view.

The Commission admonishes all readers of this report not to presume that the communities of Yeadon and Upper Darby have been singled out to be pilloried or maligned. Although the findings of this report relate directly to those two boroughs, it is expected that all the communities of Eastern Delaware County, which share in this most urgent problem, will view the report as a vehicle to facilitate their own self-assessment and improvement.

II. FINDINGS OF FACT

The Commission has made findings of fact, which follow, based upon evidence adduced at the hearing. It approached this task open-mindedly and without predisposition. Nevertheless the Commission wishes to emphasize the profound impact that the testimony of the victims of racist acts had upon this body. The Commission urges that readers of this report, particularly police and government officials who are responsible in the first instance for protecting residents in the peaceful use and enjoyment of their homes, make every effort to empathize with victims of these attacks.

This report will catalog some of the acts that threatened serious physical injury and which constituted monstrous and obscene assaults on the mind and spirit. In addition, many acts were reported that were less dramatic, acts which in a different context might be characterized as vandalism.

But to the extent that vandalism connotes something trivial, of momentary nuisance or inconvenience, the Commission categorically rejects the use of that term in describing acts which were directed at Black families merely because of their status as Blacks.

In the context of this raw, ugly hate, and in light of other acts to be described, all of these racially motivated assaults, however minor in isolation, must be considered acts of terrorism. The Commission so considers them.

A. Terroristic Acts Of Violence And Other Serious Forms of Harassment Have Been Experienced By Many Black Persons, Solely Because Of Their Race, In Attempting To Move Into Or Reside Peaceably In Eastern Delaware County

1. Relative to other areas of the Commonwealth, Delaware County, particularly Eastern Delaware County, has been disproportionately troubled by incidents of racially motivated terrorism and harassment. (N.T.M. 17-21) *

The Governor's Civil Tension Task Force, in existence from 1973 to 1978, functioned, amongst other things, as a clearing-house to receive reports of racial tension and related data from around the Commonwealth. While the resulting statistics do not purport to present a thoroughly comprehensive picture of race related incidents in Pennsylvania, they are nevertheless significant to the extent that they reflect many more incidents in Delaware County than in any other part of the Commonwealth. In fact, Delaware County had more reported incidents than the next two counties combined, Allegheny and Philadelphia, both significantly more populous.

The PHRC also collects racial tension data for which it depends upon a wide array of official, quasi-official, community, and media sources. The accuracy of these sources is

* As used throughout this report "N.T.M." refers to Notes of Testimony for the Monday evening, October 6, 1980 session of the hearing. "N.T.T." refers to the Notes of Testimony for the Tuesday, October 7, 1980 session. Numbers following the designation refer to page numbers in the transcript.

unclear and thus the PHRC figures do not purport to be exhaustive. Nonetheless, for 1979-80 they show six incidents in Delaware County, only four other counties with two incidents each, and no others with more than one. Additionally, PHRC records for 1975-80 disclose that over half the thirty-nine reported incidents for the period have taken place in either Upper Darby or Yeadon.

2. Claire Johnson, a Black, Liberian-born homeowner, endured racially motivated terrorism and harassment for more than a year after she moved into Yeadon. (N.T.M. 22-31)

Ms. Johnson testified that when she purchased her home in Yeadon in early 1976, she was the only Black on the street. Even before settlement was made, every window in the house was broken. When she moved in during March, a round the clock police watch was provided for a week.

Ms. Johnson was constantly harassed with obscene phone calls, with unknown persons ringing the doorbell and disappearing and with unsolicited deliveries of items such as pizzas ordered by pranksters ostensibly on her behalf.

On June 3, 1977 her front windows were broken. The following day she was nearly struck in the head by a beer bottle thrown through her door. Panic stricken, she called the police. All the while, rocks were pelting the windows and the rear of her house. When the police drove by she attempted to attract their attention from an upstairs window but they inspected the house without leaving their vehicle and drove away.

She then called neighbors who again summoned the police. When the officers returned, they found the front door and many windows all around shattered. The police explained that having spotted no prowler the first time they left.

After these events were reported in the local press Ms. Johnson received a written death threat and was still repeatedly subjected to window breaking and to being called a "nigger" in the neighborhood.

3. Sharon Littlejohn and her family experienced continuous, racially motivated vandalism for more than six months after they moved into their house in Yeadon. (N.T.M. 34-38)

Ms. Littlejohn testified that hers was the only Black family on the block when they moved into Yeadon in April, 1978.

During the second week a brick was thrown through the window. Window breakage and paint splattering upon the house and the garage persisted on an almost weekly basis thereafter until November. The inevitable police response was that nothing could be done unless a perpetrator could be caught in the act.

4. Ivory Taliaferro and his family suffered from several acts of racially motivated vandalism, harassment, and police disrespect after moving into Yeadon. (N.T.M. 38-46)

The Taliaferros were the first Blacks on their street when they moved into Yeadon in June, 1977. Early in July, vandals painted their car. Three days after it was repaired the painting was repeated. Mr. Taliaferro testified that he was astonished by an investigating police officer's comment: "This probably be some of your friends from Philadelphia. You should get some of your boys from out of North Philadelphia and bring them out here."

Taliaferro also testified that someone scratched the word "nigger" on his garage door with a rock or similar object and that the Taliaferro's six year old son was referred to on the street by White youngsters as a "nigger."

Although Mr. Taliaferro estimates that he suffered \$800 to \$1000 actual damages, he was far more distressed by the profound and lasting emotional upset endured by his son.

5. A terroristic, racially motivated mob assault prevented Steven Carr and his family from moving into Upper Darby

during July, 1975. (N.T.M. 51-55)

Eileen Burke, a former PHRC employee, who had been assigned to investigate the matter, testified that a Black man, Steven Carr, and his family, bought a house in Upper Darby and attempted to move in on July 24, 1975. They unloaded their belongings, left briefly, and returned after dark to find windows shattered throughout the house and indications that strangers had been inside trying to start a fire. Eventually a mob of 25-30 people gathered, taunting the Carrs and shouting obscenities. One particularly vicious neighbor from two doors away was finally arrested at about 4:00 a.m. only after threatening a police officer. The Carrs moved away the following day.

6. A Black family, the Perrys, were subject to several serious acts of terrorism and continuous racial harassment while attempting to live in Upper Darby. (N.T.M. 77-83)

Elaine Eisenman of the Lansdowne Upper Darby Fair Housing Council ("FHC") testified, based upon discussions with Faye Perry, that before the family even moved into their house in early 1978, it was spray painted with such epithets as "KKK," "Black and White don't mix," and "go home." Subsequently, "you all ain't welcome" and "Black power sucks" were painted on their house.

The Perry children, ages six, eight, and ten, and Mr. and Mrs. Perry were subjected to verbal abuse for their entire time in Upper Darby and in May or June, 1978, after a dispute

over their respective children, a neighbor fired a shotgun at Mrs. Perry. Toward the end of summer rocks were thrown through the Perry front window twice and after a fire of suspicious origin started in the basement in the early fall, they left Upper Darby.

7. Harassment prevented the Watfords, a Black family from remaining in Upper Darby more than a few days. (N.T.M. 84-86)

Elaine Eisenman testified that she was told by the family that a window over what was to be a child's bed had been shattered prior to the time the family moved in. During the first several days the Watfords resided in Upper Darby they endured continuous verbal abuse and a White next door neighbor who was friendly and supportive was threatened by others. Frightened, the Watfords promptly moved away.

8. An unnamed Black family experienced continuous terror and harassment while living in Yeadon. (N.T.M. 87-89)

Elaine Eisenman testified about this family, who did not wish their names to be revealed. They told her that they found a large hole in a rear window when they moved into their home in Yeadon in June, 1977. They were verbally harassed throughout the move-in.

Two days later a cinder block was thrown through their car windshield and over the next several months garbage and trash was dumped on their lawn, their house was pelted with eggs and tomatoes, and a large rock was thrown through their bedroom window.

The final incident of which Ms. Eisenman was aware involved a crude, charred, wooden cross which someone had propped against their garage door and apparently attempted to burn.

9. Yvonne Holland, a Black woman, and her two children, were prevented by an angry, threatening mob from moving into the home they had rented in Upper Darby. (N.T.M. 93-102)

Georgie Woods, eyewitness and a prominent Black radio commentator, testified that Yvonne Holland and her two small children attempted to move into Upper Darby in June, 1980. Ms. Holland called Mr. Woods to advise him that her car had been vandalized and that she and her children were threatened during the move-in. He went to the scene and found it relatively quiet for the duration of daylight hours except that White youngsters repeatedly passed by shouting racial slurs.

Toward evening, however, a crowd of adults began to congregate and soon a brick crashed through a window. The police were summoned and indicated that they would post a watch in the front and rear of the house. But they soon left.

Subsequently, as the crowd grew more hostile, shouting epithets like "Nigger, go home," the police were summoned again. They dispersed the crowd but had difficulty with one individual who abandoned his truck with the lights on in the middle of the street and who kept threatening to get a gun from his home "to blow that nigger's head off." The police apparently did not attempt to arrest the individual, who Mr. Woods believed to be a neighbor of one of the police officers, until much later in the evening.

It was decided at this point that it was unsafe for Ms. Holland to remain in the house that night and she left, never to return.

10. Helen Giles, a Black woman, experienced several incidents of racially motivated harassment after she purchased her home in Upper Darby. (N.T.M. 127-129)

Charles Gratman, PHRC Tension Officer, testified that Ms. Giles experienced some window breakage upon first moving into her home in May, 1979. During October, on successive days, she had a cross and a cardboard crate burned on her lawn.

11. Chess Real Estate Company was firebombed in April, 1977 after selling properties to Black families in Eastern Delaware County. (N.T.M. 129-130)

12. Wallace Real Estate, of Lansdowne, experienced window breakage and received threats of a racial nature after showing properties in Yeadon to Blacks. (N.T.M. 131-132)

B. Elected Officials And Police Authorities, Particularly In Upper Darby, Do Not Exhibit The Sense Of Urgency That Is Properly Demanded By Existing Problems Of Racial Tension

1. Elected officials and police authorities in Yeadon and particularly in Upper Darby do not exhibit sufficient sensitivity to the important differences between ordinary, random vandalism and racially motivated harassment.

The Commission regards the distinction between vandalism and racially motivated harassment to be a crucial one and we believe that a full appreciation for that distinction is necessary to enable public officials to properly respond to problems of racial tension.

Ordinary, random vandalism is an unfortunate fact of contemporary American life. But painful as it is to its victims, by its very nature, because of its randomness, it is not likely to repeat itself.

Racially motivated vandalism or harassment is different. It is based upon one of the most indecent of all human characteristics, racial bigotry. The contempt and hatred felt by the bigot is manifested by this irrational harassment which maintains its victim in a grip of terror because it is not random and not likely to go away. Its root cause being an ill-begotten, but usually firmly emplanted prejudice, its horror is likely to be visited again and again on the victim. It is for this reason that the Commission is so gravely concerned about official efforts to trivialize or otherwise discount acts of racial harassment.

Most of the public officials and police witnesses testified that they do understand the difference between vandalism and

racially motivated harassment. The Commission was not convinced, however. To the contrary, the Commission found merit in the position of Elaine Eisenman, of the FHC, who testified that public officials are quick to deny that incidents are racially motivated. (N.T.M. 90) This was reflected in the public officials' testimony.

Superintendent Devlin, of the Upper Darby Police, for example, was queried with respect to the Yvonne Holland incident:

Q: Would you characterize the trouble she experienced as being due to her race?

A. I don't think exactly that it was just her race that was involved in that situation. (N.T.T. 84)

This is in significant contrast to the testimony of long time civil rights and community leader, Georgie Woods, an eyewitness to the Holland incident, who said, "You know, I've lived a lot of years and been a lot of places, been involved in a lot of things in the South, but I had never seen that kind of racism or hate for no apparent reason." (N.T.M. 103)

Mayor D'Allesandro of Yeadon also denied that the experiences of the Littlejohn and Taliaferro families were race related. (N.T.T. 14-15) Particularly with respect to racial slurs directed at the Taliaferro's young son, this colloquy occurred:

Q: I presume that you would agree that when children called his son a nigger, that was racial?

A: I was called a dago, is that racial? My kids are called dago and wop, is that racial?

Q: Would you agree that it was racial?

A: No, I don't think so.... (N.T.T. 15)

In addition to outright denials, it was troublesome that officials attempted to trivialize or dilute the significance of several racial incidents. Lieutenant Clay of the Upper Darby Police characterized the cross burning on Helen Giles' lawn as a "Halloween prank" and said, "We do not attribute it to any organization such as the Ku Klux Klan because it would have been a better cross; these were just two pieces of legs." (N.T.T. 124-125)

With respect to the Holland incident there was a substantial difference of opinion as to what happened. Upper Darby Police Superintendent Devlin and Lieutenant Clay testified that police reported Whites and Blacks at the scene to be hurling racial slurs at one another. (N.T.T. 85, 107) Eyewitness, Georgie Woods, did not support the view that Blacks were harassing Whites, and although Lieutenant Clay defied two PHRC subpoenas (N.T.T. 121-124) by refusing to produce police documents, Devlin and Clay acknowledged that Black harassment of Whites is not documented in the police reports. Regardless, both Devlin and Clay found some explanation for the entire Holland incident in the alleged mutual racial harassment by the two groups. The Commission cannot accept this as an explanation for mob action driving a woman and her family from

a community.

Even Upper Darby Mayor, Eugene Kane, trivialized the incident to a degree by emphasizing that Ms. Holland and her family did not suffer bodily harm and that those who broke "the one small window in there" were "two young boys who were less than teenagers." (N.T.T. 69-70)

Lieutenant Clay found significance in the fact that "11 Black people showed up at noontime to move into a house." (N.T.T. 113) Of course, none of the conflicting testimony regarding the Holland incident ever placed more than 7 adult Blacks at the scene at one time and after dark when the trouble began there were no more than 3. Furthermore, only one adult and two children, the Hollands, were moving into the house. Regardless, the Commission finds offensive the implication of Lieutenant Clay's testimony that the presence of any number of adult Blacks explains or justifies the gathering of a mob.

Finally, Lieutenant Clay's lengthy discussion of Ms. Holland's alleged use of an alias and her problems with a previous landlord (N.T.T. 114-118) were also disconcerting. Although Lieutenant Clay acknowledged that they had nothing to do with the "move in" incident, the implication of his testimony was that somehow, by virtue of the character flaws he seemed to feel she exhibited, Ms. Holland brought this treatment upon herself.

2. Police officials do not always seem vigilant in their efforts to apprehend and arrest perpetrators of racial harassment.

Collateral to the problem of properly distinguishing between ordinary vandalism and racially motivated harassment is the problem of diligence in apprehension and arrest of the perpetrators of racially motivated incidents. The Commission is not unappreciative of the point made by Lieutenant Trophe of the Yeadon Police Department, that "Vandalism (racially motivated or otherwise) is one of the most difficult arrests to make because its usually done when no one sees anything, when no one is around ..." (N.T.T. 50) Similarly, we agree with Upper Darby's Lieutenant Clay that "(T)rying to prevent a racial incident is about as tough as trying to prevent vandalism. We can't control what goes through peoples' minds ..." (N.T.T. 126)

Yet, because of the invidiousness of racially motivated crimes, the Commission considers it essential that extra diligence be exhibited by the police in rooting out this problem. The Commission does not believe that such diligence has always been exercised.

Georgie Woods testified that during the Holland incident, the police promised to put an officer in front and in back of the house. These patrols did not remain long, however, notwithstanding the tension that was apparently present on the street throughout the day. Furthermore, Mr. Woods testified that an individual threatened right in the presence of a police officer "to blow that nigger's head off." He was not arrested, however until he threatened the officer. (N.T.M. 98-101; N.T.T. 108)

Testimony regarding the 1975 Carr incident in Upper Darby revealed a similar circumstance where a mob was taunting and occasionally acting out in violence against a Black family attempting to move in. All the while police were either present or patrolling the area. Nonetheless, a particularly troublesome individual was not arrested until 3:30 in the morning and then only after attempting to hit a police officer on the head with a mailbox. (N.T.M. 52-54)

In the Carr incident as in the Holland incident, the testimony does not suggest that the police were actually accomplices to the actions of the respective mobs. That they were present and yet ineffective, on the other hand, seems certain. As Ethel Smiley, local NAACP leader testified, "(W)hen you see ten or fifteen Blacks together, immediately they (the police) know how to disperse them, but it seems that when Whites surround black homes ... they handle them with kid gloves ... When did you ever (see) a group of police try to disperse a group of Black folks. They don't try. They disperse." (N.T.M. 115)

Claire Johnson, of course, testified that during her night of terror in Yeadon, the police drove by her house, looked around, and then drove away. (N.T.M. 27) Sharon Littlejohn testified that after repeated assaults upon her house, the Yeadon police became decreasingly responsive. (N.T.M. 36) And Ivory Taliaferro testified of his astonishment when a Yeadon police officer said of the paint splattered on his car, "This

probably be some of your friends from Philadelphia. You should get some of your boys from out of North Philadelphia and bring them out here." (N.T.M. 40)

The Commission has not concluded that no meaningful efforts are being made by police to end racially motivated crime. We were impressed with the testimony of Yeadon's Mayor D'Allesandro and Lieutenant Trophe who indicated that the mayor is called in every time the police respond to a race related incident. (N.T.T. 9, 21, 38) The mayor's sincerity is apparent in that he has personally participated in stakeout operations to apprehend perpetrators. (NT.T. 13) Additionally, we endorse Lieutenant Trophe's practice of assigning extra patrols to areas that have experienced racial tension (N.T.T. 40) and his attempts to identify and keep special records concerning racial incidents. (N.T.T. 47)

In Upper Darby, too, certain positive steps have been taken within the police force. A Human Relations Officer has been appointed (N.T.T. 65) who is called upon, along with the police superintendent, any time a racial incident occurs . Additionally, the Upper Darby police have made efforts to see to it that they are advised in advance any time a Black family moves into a predominantly White neighborhood and when they are given such advance notification, a marked police car is always placed in front of the property. (N.T.T. 91-92) On the other hand, Superintendent Devlin acknowledges that no special plans or programs of response were developed by the Upper Darby Police Department after either the Carr or the

recent Holland incidents. (N.T.T. 90)

One reason why some of the well-intentioned official policies of Eastern Delaware County police force hierarchies are not filtering down to the rank and file--sensitizing police officers to the unique perniciousness of race related hostilities--is that departmental members appear to undergo no human relations training. (N.T.T. 38, 88) Furthermore, the Commission was particularly distressed to learn the racial composition of some of the local police forces:

Yeadon - one Black out of fourteen officers
(N.T.T. 39)

Lansdowne - no Blacks out of thirteen officers
(N.T.T. 57)

Upper Darby - no Blacks out of one hundred and thirty officers (N.T.T. 95)

3. Upper Darby has failed to develop community strategies for combatting racially motivated terrorism and harassment.

Upper Darby Police Superintendent Devlin indicated in his testimony, and the Commission agrees, that problems of racial tension cannot be addressed solely through the criminal justice system. (N.T.T. 86) Communities must establish and use other institutions and forums to address such problems. Upper Darby has not done this.

Mayor Kane testified that his Chief Administrative Officer, Dr. Erickson, meets regularly with various (unspecified) groups concerning human relations. (N.T.T. 65) Aside from this testimony, there is nothing in the record suggesting that Upper Darby has taken any action other than routine police action to address its racial problems.

From this fact and other testimony the Commission infers that Upper Darby officials do not take the problem very seriously.

Upper Darby, a well maintained residential community, is adjacent to overwhelmingly Black West Philadelphia. Many of the middle class Black residents of West Philadelphia would surely find housing in Upper Darby affordable and desirable, just as have middle class Whites who moved a generation or so ago from West Philadelphia to Upper Darby. Yet Mayor Kane testified that of the more than 100,000 Upper Darby residents, less than 1% are Black and they are apparently concentrated in several large apartment complexes. (N.T.T. 64-65) He attributes this demographic anomaly to the fact that West Philadelphia borders Eastern Upper Darby where there are many Greeks and "Greeks don't sell their homes." (N.T.T. 76)

However, the Commission believes that Blacks are not moving into Upper Darby because they have been made to feel unwelcome by virtue of racial tension in the community and a municipal government unwilling to do anything about it. We have no way of knowing how many Blacks have moved into Upper Darby without incident, but it is clear that there have been a substantial number of terrifying racially predicated episodes afflicting the relatively small number of Blacks in the community.

The mayor spoke of talking to people personally after racial incidents and trying to persuade them to live together harmoniously. (N.T.T. 68) While the Commission encourages him in that endeavor, it must be realized that personal charisma alone cannot solve such complex social problems.

Upper Darby's inaction is in contrast to the more activist approach of Yeadon Borough's government. In Yeadon the number of serious racial tension incidents seems to be diminishing (N.T.M. 20; N.T.T. 36) and the Commission attributes this in part to formal actions undertaken by the municipal government. Yeadon's Borough Council authorized an official Yeadon Community Relations Committee ("YCRC") by ordinance (N.T.T. 21, 200) and even the independent FHC agrees that the YCRC has been somewhat effective. (N.T.M. 65, 67) Additionally the Mayor has issued an open housing edict (N.T.T. 18), he meets and concerns himself with the YCRC, (N.T.T. 20, 205) and the Borough has recently hired a Community Relations Officer. (N.T.M. 125; N.T.T. 8) The FHC concluded that Yeadon officials have been more cooperative in attempting to resolve racial tension problems than Upper Darby officials. (N.T.M. 64)

4. Elected County Officials have done little to address the problems of racial tension in Eastern Delaware County communities.

Evidence at the hearing demonstrated that problems of racial tension extended beyond Yeadon and Upper Darby and had permeated Eastern Delaware County. For that reason some leadership should be expected at the county government level. Little is apparently forthcoming, however.

Charles Keeler, Chairman of the County Commission, failed to honor a PHRC subpoena to testify at the hearing. Thus, the PHRC gained no insight into what, if anything, county government is doing about racial tension. It is noteworthy, however,

that after the Holland incident, the County Commissioners publicly denied that Delaware County had a racial problem.

On the other hand, President Judge Catania of Delaware County Court of Common Pleas has established the Delaware County Task Force, an advisory group to make recommendations to county government regarding actions that might be undertaken to combat discrimination and racism. According to testimony of Chairman Donald Guthrie, Judge Catania created the Task Force because he recognized the need to divert racial matters from the criminal justice system into another forum where they might be more appropriately and better addressed.

(N.T.T. 140-141) Mr. Guthrie indicated that the Task Force was preparing to recommend adoption of a county human relations ordinance which would establish a mechanism, such as a county human relations agency, to confront problems of racial tension county-wide.

C. Activities Of Some Real Estate Agents, Particularly Steering Of Blacks Into Yeadon, Have Operated To Perpetuate The Overall Patterns Of Residential Segregation Existing In Eastern Delaware County

Notwithstanding emphatic denials by spokespersons for the real estate industry, including Eleanor Oeschger, Equal Opportunity Chairperson of the Delaware County Board of Realtors (N.T.T. 189), the Commission is convinced that some real estate agents are intentionally steering Blacks to Yeadon. This view is supported by the FHC (N.T.M. 65-67, 90), Mayor D'Allesandro (N.T.T. 16), Dr. William Harris, Chairman of the YCRC (N.T.T. 202, 204-205, 213), and Reverend Paul Sorcek, Pastor of Trinity

Lutheran Church of Yeadon. (N.T. 224-225)

Ms. Caroline Isard testified that FHC has performed investigations of a number of local real estate brokers and is convinced that steering exists. They have litigated these claims in federal court, resulting in consent orders against some brokers. (N.T.M. 61, 66-67) Mayor D'Allesandro testified that his own son was discouraged from buying a home in Yeadon on the grounds that, "(I)t's all Black." (N.T.T. 16)

Yeadon has historically been divided into two segregated communities with Blacks living on the west side of the borough and Whites on the east side. During the last four years, however, Blacks have begun to move across Church Lane, the traditional dividing line for the two sections. (N.T.M. 66; N.T.T. 226) There are apparently now Black families throughout Yeadon on virtually every block. (N.T.T. 6)

Some of the Black movement into Yeadon, while other Eastern Delaware County communities remain almost exclusively White, is attributable to self-segregation. (N.T.M. 67) As Reverend Sorcek explained, the existence of an established Black community in Yeadon has had "a natural magnetic effect" (N.T.T. 224) drawing other Blacks there. Still, as Dr. Harris stated so eloquently, housing patterns in Yeadon are neither happenstance, nor accidental. (N.T.T. 204, 205, 218) It is clear that at least some real estate agents are directing Blacks to Yeadon and Whites away from it. Housing prices in Yeadon are similar to those in the adjacent communities of Lansdowne and Upper Darby. (N.T.T. 192, 195) But the latter communities are remaining White and segregated while Yeadon

experiences a rapid transition in the racial composition of its population.

Racial steering by the real estate industry not only has the effect of hastening "White flight," (N.T.M. 66) but it additionally undermines the goal of the community to establish itself as a stable, integrated decent place for all to live. As Dr. Harris stated, "We don't want the amount of racial integration in Yeadon now to be a transitory kind of thing. If we're able to stop, it will be the first time in the annals of America to be able to stop the transitory nature of integration in the community with the size of ourselves. Usually, what you see at a given point is people moving out and moving in and not really integrating. We're hoping to stop that ... the people have to stay there and they know each other and live together..." (N.T.T. 209)

The Commission recognizes that not all real estate agents serving Eastern Delaware County are guilty of unethical and illegal racial steering. Nevertheless, it was distressing to hear witness after witness testify to a belief that steering is occurring and that the real estate industry is unwilling to play a meaningful, affirmative role in resolving the racial tensions of the area. The FHC found the Board of Realtors disinterested in its attempts to generate an organized response to racial tension problems in Upper Darby after the Carr incident. (N.T.M. 64) Similarly, the Upper Darby police have been somewhat hindered in their efforts to prevent racial incidents because real estate agents will not supply them with

advance notice of Black move-ins. (N.T.T. 91) It was asserted that this non-cooperation is based upon advice of counsel, but the rationale is unclear. (N.T.T. 179)

Notwithstanding the untoward effects of racial steering, at least one demonstrated official response to suspected steering was as offensive as steering itself. Undisputed testimony established that Yeadon's Community Relations officer, Annette Rafferty, approached a real estate sales agent on the street who was showing a Yeadon house to Black prospective buyers. Ms. Rafferty interrupted the proceedings to "advise" the Black couple about the high costs of home ownership in Yeadon and about the significant number of Blacks losing their Yeadon homes to sheriff's sales. (N.T.T. 182-188, 230-234, 239-242)

Rafferty testified that her motivation was purely altruistic, that the "human tragedy" of Black families losing their homes caused her deep consternation, and that she was only doing her job by attempting to help the Black couple. Nonetheless, she acknowledged that she would have similarly approached White prospective buyers only if she had reason to believe that they might be taking on more housing expenses than they could afford, and that she knew nothing about the Black couple when she approached them and their sales agent.

That the ills of racial steering are not appropriately countered by such patronization this Commission considers to be so self-evident as to require no elaboration.

D. Continued Involvement By Community Groups And
Concerned Clergy Is Necessary To Control And
Ultimately Eliminate Racial Tensions In Eastern
Delaware County

The relative effectiveness of two community groups particularly impressed the Commission and we encourage their continuing efforts.

The Lansdowne-Upper Darby Fair Housing Council was organized twenty-five years ago to support the activities of a real estate firm which apparently was perceived to be the only firm in the area performing its trade in a non-discriminatory manner. The FHC now counts amongst its purposes sensitizing its constituent communities concerning racial issues, monitoring real estate practices, seeking enforcement of fair housing laws, and counselling, assisting, and offering friendly support to those who meet with hostility when moving into Eastern Delaware County. (N.T.M. 60)

The Yeadon Community Relations Committee was started ten years ago as a private group but has since assumed a quasi-government role after receiving sanctioning of the Yeadon Borough Council. The YCRC is active in Yeadon, regularly convening public meetings for open discussion of community problems. (N.T.T. 207)

The only local clergy member to testify was Reverend Sorcek of the Lutheran Church in Yeadon. He indicated that there exists an interfaith ministerium in Yeadon to which all clergy members belong. Most address issues of racial tension from their pulpits with varying degrees of success, but clergy members channel their energies in this area primarily through existing community groups. Reverend Sorcek, for example, is a member of both the FHC and the YCRC. (N.T.T. 222-224)

III. COMMISSION RECOMMENDATIONS

The Pennsylvania Human Relations Commission reserves the right to address matters relating to the subject of this hearing in the future and nothing in connection with these recommendations is to be deemed to bar any action that may be taken by any party or by the Commission pursuant to the Pennsylvania Human Relations Act or the regulations promulgated thereunder. Furthermore, no recommendation shall be deemed to constitute a waiver of powers or duties conferred upon the Commission or be deemed a declaration of policy or precedent by the Commission.

A. Municipal Government

The municipal governments of Yeadon and Upper Darby each shall establish a broad based human/civil rights oriented organization. Participation in such an organization must include local governmental and police officials in order to ensure access to and communication with the sources of municipal authority. Community leaders, real estate industry spokespersons, and ordinary citizens should also be included. (To protect the independence of such an organization, the majority of members as well as the leadership should be unaffiliated with government or with the police.)

The principal purposes of such organizations shall be to provide support to Black families who have been victimized or who may be victimized by racial harassment, to sponsor relevant community dialogue and education sessions, to articulate human relations goals for the community, to monitor and review on a

continuing basis the human relations climate in the community, to make periodic status reports and recommendations concerning this climate to borough mayors, council members, and to the PHRC, and to serve as a communications clearinghouse to facilitate a prompt response by federal, state, and local law enforcement authorities whenever a racial tension situation arises. (In its capacity as such a clearinghouse all concerned authorities shall communicate promptly with this organization when it becomes apparent that a Black family is moving into an area where a hostile response might be expected.)

The PHRC does not wish to interfere with the boroughs' respective processes for establishing their human rights organizations; however, it is recommended that some consideration be given to utilizing for this purpose already existing indigenous organizations.

B. Law Enforcement Officials

1. Elected officials and police in Yeadon and Upper Darby and the Delaware County District Attorney shall work together to apprehend, arrest, and promptly prosecute those persons who engage in racially motivated harassment, threats, intimidation and terrorism. Guidelines should be established to assure that the office of the Delaware County District Attorney is represented at all hearings involving terrorism against minorities.

2. Yeadon and Upper Darby police officials shall request services of such agencies as the Office of the Pennsylvania Attorney General, the Community Relations Service and the Federal Bureau of Investigation of the U.S. Department of Justice, various divisions of the Pennsylvania Department of Community Affairs, the Bureau of Community Services of the Pennsylvania State Police and the Pennsylvania Human Relations Commission to assist in any manner in solving the racial tension problems in their communities.

3. Yeadon and Upper Darby police, with the assistance of the Pennsylvania Human Relations Commission, shall develop and implement an affirmative action hiring program to increase the number of Blacks in their police forces. Furthermore, they shall establish criteria in the recruitment and appointment of new police to include applicant sensitivity and empathy in dealing with minority victims of crimes.

4. Yeadon and Upper Darby police departments shall establish a continuing police in-service Human Relations Training Program for all police at all levels. Maximum use should be made of indigenous human and civil rights organizations and individuals and local universities in the development and conduct of this program. The police departments shall also take maximum advantage of the police training programs available through the Pennsylvania State Police Bureau of Community Services and U.S. Department of Justice Community Relations Service.

5. Yeadon and Upper Darby police officials should exhibit greater willingness to seek immediate assistance from the state police when a racial tension situation arises. The presence of uniformed state police might be of particular assistance in connection with White resistance to Black move-ins.

6. Police reports relating to harassment, vandalism, threats, etc. should adequately reflect racial motivation when it is present. This is important in enabling courts to assess the situation properly and also important to facilitate appropriate intervention for violation of federal civil rights laws.

7. Yeadon and Upper Darby police shall maintain regular contact and shall fully cooperate with the human rights organizations established in accordance with Subsection A of these recommendations.

8. Police hierarchies must make clear to rank and file officers the unique invidiousness of racially motivated terrorism and their vigorous opposition to such conduct. Sensitivity to and empathy for the victims of racially motivated crime is essential and the police must assume a more positive role in the community, to facilitate the reduction of tension and relief from recurring incidents of racially discriminatory acts, threats, intimidations and conflict.

C. Housing

The Pennsylvania Human Relations Commission heard testimony reflecting a wide divergence of views between community and real estate industry spokespersons concerning the existence of improper racial steering. The Commission believes that some steering is occurring in Eastern Delaware County. Accordingly,

it is recommended that the Delaware County Board of Realtors upgrade and place greater emphasis upon the work of the Board's Equal Opportunity Committee. The committee should include non-real estate industry members selected from the community at large and should seek to establish a consulting and cooperative relationship with community groups such as the Lansdowne-Upper Darby Fair Housing Council. It should meet regularly and copies of its minutes should be provided to the PHRC.

In addition to its existing functions the committee should:

- 1) Monitor compliance with the "Affirmative Fair Housing Agreement" signed by the Board of Realtors and the U.S. Department of Housing and Urban Development.
- 2) Implement a procedure for receiving complaints of racially discriminatory real estate practices, for investigating such complaints, and for developing corrective or remedial action for justifiable complaints;
- 3) Establish a county-wide housing education program to make residents aware of their rights and responsibilities and to correct misperceptions regarding such areas as panic selling, limitations and racial tension;
- 4) Develop an anti-intimidation campaign;
- 5) Develop an on-going forum for discussion of housing problems; and

- 6) Create a voluntary real industry program for limiting use of Sale/Sold signs in sensitive areas.

D. Religious Institutions

The Commission encourages expansion and further development of interfaith clergy groups representing Catholic, Protestant and Jewish churches, synagogues and schools, including black churches, to aid clergy and their institutions in playing a full role in mitigating interracial tension. Particularly, the Commission urges individual clergy members to address themselves vigorously and regularly from their pulpits to human relations issues.

E. Schools/Education

Testimony suggested that many of the alleged perpetrators of harassment and tension included school age youth. A major influence on these youth and their attitudes and behavior toward Black persons is their education. Both public and non-public schools share a responsibility for affecting these developing patterns of relationships.

Accordingly, it is recommended that both public and non-public school authorities in Eastern Delaware County evaluate and revise their program of curriculum and in-service training of professional and non-professional staff regarding minority groups and intergroup education concepts, as a result of consulting the Pennsylvania Department of Education's Bureau of Equal Educational Opportunity, and Pennsylvania Human Relations Commission's Division of Education. This revision

should include focus on the need for more communication between pupils of different races at the earlier grade levels, the historical role of terrorist groups in denying civil rights to Blacks, and the history and contributions of Blacks in American History.

Catholic school authorities, in making these revisions, should also consult with the Cardinal's Commission on Human Relations and with Commissioner Mary Dennis Donovan, C.S.J., of PHRC and recent Director of Human Relations Education, Catholic Schools, Diocese of Pittsburgh.

Public and non-public school authorities shall promptly deliver to the Pennsylvania Human Relations Commission a copy of the revised practices and programs.

F. Legislation

1. This Report shall be referred to the Governor's office and Legislators representing Delaware County requesting an amendment to the Pennsylvania Crimes Code which would provide criminal penalties for acts of terrorism, harassment, intimidation, and threats based upon race, color, religious creed, sex, national origin, ancestry, age, handicap and disability in connection with the acquisition, use and enjoyment of housing and public accommodations.

2. A request will be made for legislation which would authorize the Pennsylvania State Police to investigate complaints of racially discriminatory acts, threats and intimidation and which would allow the State Department of Justice to replace the local District Attorney to prosecute such unlawful acts where local police and District Attorney fail to act promptly.

3. A request will be made for legislation which would authorize the Pennsylvania State Police to substitute for or supplement the delivery of police services by the local police in response to a racial tension situation when called upon to do so by the PHRC.

4. Both the state and the county should consider adopting legislation and appropriating funds to compensate victims of racially motivated crimes.

5. Legislation will be requested to amend the Pennsylvania Human Relations Act to make it an unlawful discriminatory practice for any individual to harass, threaten, harm, intimidate damage or otherwise penalize any person with respect to the acquisition, disposition, use and enjoyment of housing and public accommodations.

6. The Delaware County Commissioners should promptly enact a human relations ordinance banning racial discrimination in housing and in other human endeavors. Any such ordinance should also create and adequately fund an enforcement agency which in addition to combatting discrimination will be charged with the countywide task of monitoring, mitigating, and eradicating racial tension.

G. State and Federal Agencies

Copies of this report shall be forwarded to all relevant state and federal agencies urging them to cooperate with local authorities in attacking the problems of racial tension in Eastern Delaware County and also urging them to consider changes in the funding status of local communities where

warranted by responsiveness or non-responsiveness to racial tension problems.

IV. CONCLUSION

The programs and activities recommended in this report call for great effort on the part of local officials and residents alike. However, unless government concerns itself with these problems, and unless a new resolve to confront and remedy the tensions and human problems existing throughout the community is formed by all residents, Eastern Delaware County will continue to experience racial tensions.

Thus, it is strongly urged that all citizens undertake a new commitment to their community and work in partnership among themselves and with their elected representatives to resolve their differences and create a unified, progressive community. Agencies of the Commonwealth of Pennsylvania are available to assist in the achievement of the goals described in this report.

